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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/014,681

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Michael Anthony Klug

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EXAMINER

LAVARIAS, ARNEL C

ART UNIT

PAPER NUMBER

2872

MAIL DATE

DELIVERY MODE

09/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/014,681	Applicant(s) KLUG ET AL.	
	Examiner Arnel C. Lavarias	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-41, 57 and 65-67 is/are pending in the application.
- 4a) Of the above claim(s) 36-38 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39-41, 57 and 65-67 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments to the abstract of the specification in the submission filed 5/18/09 are acknowledged and accepted. In view of these amendments, the objections to the specification in Section 11 of the Office Action dated 2/17/09 are respectfully withdrawn.
2. The amendments to Claims 39-41, 57 in the submission filed 5/18/09 are acknowledged and accepted.
3. The addition of Claims 66-67 in the submission filed 5/18/09 is acknowledged and accepted.

Election/Restrictions

4. Applicant's election with traverse of Invention II (Claims 39-41, 57, 65) in the reply filed on 5/18/09 is acknowledged. The traversal is on the ground(s) that the previously submitted amendments substantially narrowed claims 36-38 from their previous forms, which were previously examined in the present application. This is not found persuasive because the previously examined limitations in Claims 36-38 only recited a removable band-limited diffuser and a removable masking plate. As amended, a new scope of invention is currently recited in Claims 36-38, wherein limitations of a first replaceable band-limited diffuser, a second replaceable band-limited diffuser, a first replaceable masking plate, and a second replaceable masking plate are recited and further wherein the second replaceable band-limited diffuser and the second replaceable masking plate form

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a second matched set, and each of the first replaceable band-limited diffuser and the first replaceable masking plate are located in respective positions such that the first replaceable band-limited diffuser can be replaced with the second replaceable band-limited diffuser and the first replaceable masking plate can be replaced with the second replaceable masking plate. This is clearly a shift in scope of invention from that which was previously examined. Further, Applicants failed to provide any evidence to show why it is not a serious burden on the Examiner to examine the multiple various inventions. Also, the Examiner notes that, as per MPEP 819, Applicants may not, as a matter of right, file an RCE to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined.

The requirement is still deemed proper and is therefore made FINAL.

5. Claims 36-38 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 5/18/09.

Response to Arguments

6. The Applicants' arguments, see in particular Pages 9-16 of the response, filed 5/18/09, with respect to the rejections in Sections 14, 16, 18-20 of the Office Action dated 2/17/09, have been fully considered and are persuasive. The rejections in Sections 14, 16, 18-20 of the Office Action dated 2/17/09 have been withdrawn.

Allowable Subject Matter

7. Claims 39-41, 57, 65-67 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter:

Claim 39 is allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest an apparatus, as generally set forth in Claim 39, the apparatus including, in combination with the features recited in Claim 39, a voxel-control lens located in the path of the object beam and positioned at a distance from the location for the elemental hologram, wherein the position is based at least in part on a focal length of the voxel-control lens, and a size of the elemental hologram. Claims 40-41 are dependent on Claim 39, and hence are allowable for at least the same reasons Claim 39 is allowable.

Claim 57 is allowable over the cited art of record for at least the reason that the cited art of record fails to teach or reasonably suggest a method, as generally set forth in Claim 57, the method including, in combination with the features recited in Claim 57, positioning a voxel-control lens at a distance from the location for the elemental hologram, wherein the position is based at least in part on a focal length of the voxel control lens, and a size of the elemental hologram, and passing the object beam through the voxel-control lens. Claims 65-67 are dependent on Claim 57, and hence are allowable for at least the same reasons Claim 57 is allowable.

Conclusion

9. This application is in condition for allowance except for the following formal matters:

Claims 36-38 are currently withdrawn with traverse (See Sections 4-5 above).

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 10:00 AM - 6:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Arnel C. Lavarias
Primary Examiner
Group Art Unit 2872
9/1/09

/Arnel C. Lavarias/
Primary Examiner, Art Unit 2872